

Before the State of South Carolina
Department of Insurance

In the Matter of:)	
)	Consent Order Imposing Administrative Fine
Sue F. Adams)	
159 Brookefield Drive)	File No.: 100480
Macon, Georgia 31210-7522.)	
_____)	

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Sue F. Adams (Adams), a licensed South Carolina non-resident insurance adjuster.

The Department received evidence that Adams moved and failed to notify the South Carolina Department of Insurance of the change in her address as required by S.C. Code Ann. § 38-47-15 (Supp. 1999). This section reads, "When an individual applies for an adjuster's license he shall supply the department his business and residence address. The adjuster shall notify the department within thirty days of any change in these addresses." A violation of S.C. Code Ann. § 38-47-15 (Supp. 1999) can ultimately lead to the revocation of Adams' adjuster's license in South Carolina following a public hearing at the Administrative Law Judge Division.

Prior to the initiation of any administrative proceedings by the Department against her, Adams and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Adams' non-resident insurance adjuster's license, she would waive her right to a public hearing and immediately pay an administrative fine in the total amount of \$250.

S.C. Code Ann. § 38-47-70 (Supp. 1999) states, "When the director or his designee determines that there has been a violation of this title by an adjuster, upon ten days' notice, he may impose the penalties provided in Section 38-2-10." Section 38-2-10 (2) provides that the director or his designee shall fine a violator up to \$2,500 or shall suspend or revoke her license. After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Adams has violated S.C. Code Ann. § 38-47-15 (Supp. 1999).

Although I can now revoke Adams' non-resident insurance adjuster's license, I hereby invoke the discretionary authority given to me and impose against Adams an administrative fine in the total amount of \$250. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that total fine amount is not timely paid, her non-resident insurance adjuster's license will be revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in light of this being Adams' first violation of the state's insurance

Sga Sue F. Adams


laws and in consideration of Adams' assurance that in the future she will comply with the state's insurance laws, particularly that of timely notifying the Department of any changes in her business or personal addresses.

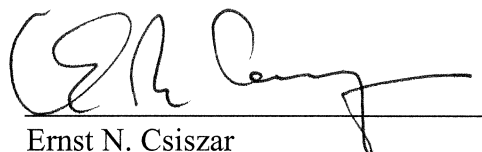
By her signature upon this Consent Order, Adams acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 38-4-10, *et seq.* (1991 and Supp.1999). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Adams shall, within ten days of the date of my signature on this Consent Order, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$250.

It is further ordered that a copy of this Consent Order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This Consent Order becomes effective as of the date of my signature below.

 16 March 1, 2000
Columbia, South Carolina


Ernst N. Csiszar
Director

I CONSENT:

Sue F. Adams
Sue F. Adams
159 Brookefield Drive
Macon, Georgia 31210-7522

Dated this 24th day of February, 2000.